

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALCATEL-LUCENT USA, INC.

v.

AMAZON.COM, INC.; ZAPPOS.COM, INC.;
NETFLIX, INC.; OVERSTOCK.COM, INC.;
QVC, INC.; SEARS HOLDING
CORPORATION; SEARS HOLDINGS
MANAGEMENT CORPORATION; SEARS,
ROEBUCK AND CO.; SEARS BRANDS, LLC;
KMART CORPORATION; KMART HOLDING
CORPORATION; LANDS' END, INC.;
NEWEGG INC.; MAGNELL ASSOCIATE INC.
d/b/a NEWEGG.COM; and INTUIT INC.

Civil Case No. 6:09-CV-422-LED

JURY DEMANDED

**ORDER GRANTING UNOPPOSED JOINT CROSS-MOTION FOR LEAVE TO
AMEND INFRINGEMENT CONTENTIONS AND INVALIDITY CONTENTIONS
PURSUANT TO PATENT RULE 3-6**

Before the Court is the Unopposed Joint Cross-Motion for Leave to Amend Infringement Contentions and Invalidity Contentions brought by Plaintiff Alcatel-Lucent USA, Inc. (“Alcatel-Lucent USA”) and Defendants Amazon.com, Inc., Zappos.com, Inc., Netflix, Inc., Overstock.com, Inc., Sears Holding Corp., Sears Holdings Management Corp., Sears, Roebuck and Co., Sears Brands, LLC, Kmart Corp., Kmart Holding Corp., Lands’ End, Inc., Newegg Inc., and Magnell Associate Inc. d/b/a Newegg.com (collectively, “Defendants”)¹. After consideration of same, the Court is of the opinion that said unopposed motion should be GRANTED.

¹ QVC is not a party to the Unopposed Motion and is not considered to be one of the Defendants for purposes of this Order.

IT IS THEREFORE ORDERED that Alcatel-Lucent USA has leave to amend its P.R. 3-1 Infringement Contentions as to the Defendants to incorporate by reference the expert reports served by Alcatel-Lucent USA on May 5, 2011, and the Defendants have leave to amend their P.R. 3-3 Invalidity Contentions as to Alcatel-Lucent USA's asserted patents to incorporate by reference the expert reports served by Defendants on May 5, 2011.

Additionally, Defendant and Counterclaim-Plaintiff Amazon.com, Inc. ("Amazon") has leave to amend its P.R. 3-1 Infringement Contentions as to Alcatel-Lucent USA to incorporate by reference the expert report served by Amazon on May 5, 2011, and Alcatel-Lucent USA has leave to amend its P.R. 3-3 Invalidity Contentions as to Amazon's asserted patents to incorporate the expert report served by Alcatel-Lucent USA on May 5, 2011.

The Court further DENIES as MOOT the pending opposed motions (Dkt. Nos. 259 and 281).

So ORDERED and SIGNED this 26th day of May, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE